

AO91 (Rev. 8/01) Criminal Complaint

UNITED STATES DISTRICT COURT

SOUTHERN

DISTRICT OF

TEXAS

UNITED STATES OF AMERICA
V.United States District Court
Southern District of Texas
FILED

CRIMINAL COMPLAINT

Juan Manuel Perez
30496 FM 510
San Benito, Texas 78586

AUG 03 2016

Case Number: M-16-1464-M

Clerk of Court

(Name and Address of Defendant)

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about May 31, 2016 in Hidalgo County, in the Southern District of Texas defendant(s) did,

(Track Statutory Language of Offense)

Aggravated Identity Theft and False Statements in connection with health care benefits

in violation of Title 18 United States Code, Section(s) 1028A and 1035.

I further state that I am a(n) Special Agent and that this complaint is based on the following facts:

Official Title

See attached affidavit.

Continued on the attached sheet and made a part of this complaint: ☐ Yes ☐ No

Signature of Complainant

Printed Name of Complainant

Sworn to before me and signed in my presence,

Date

8/3/16

at

City and State

Edinburg, TX

DORIS RAMOS, United States Magistrate Judge
Name and Title of Judicial Officer

Signature of Judicial Officer

Dorina Ramos

AS

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, James R. Wilson, being duly sworn, hereby state the following:

1. I am a Special Agent (SA) of the Federal Bureau of Investigation (FBI) and have been so employed for approximately a year. I am currently assigned to the San Antonio Division, McAllen Resident Agency, McAllen, Texas. I am responsible for investigating federal criminal violations occurring within 2 counties in Southern Texas. Prior to my employment with the FBI, I was an investigator for a private company for 5 years.

2. Title 18, United States Code, Section ^{1028A}~~1028(A)(7)~~ provides in relevant part:

Whoever, during and in relation to any felony enumerated in subsection (c), knowingly transfers, possesses, or uses, without lawful authority, a means of identification of another person shall in addition to the punishment provided for such felony, be sentenced to a term of imprisonment of two years.

3. Title 18, United States Code 1035, provides in relevant part:

Whoever, in any matter involving a health care benefit program, knowingly and willfully:

(2) makes any materially false, fictitious, or fraudulent statements or representations, or makes or uses any materially false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry.

in connection with the delivery of or payment for health care benefits, items, or services, shall be fined under this title or imprisoned not more than 5 years, or both.

4. The following recitation of facts and circumstances are provided as a direct result of my personal observations, information I have received from other participating agents and law enforcement officers, and information obtained from law enforcement records.

5. On or about July 27, 2016, your affiant was contacted by Special Agents from Health and Human Services, Office of the Inspector General to report the discovery of an unlicensed person working as a Licensed Vocational Nurse at Cleveland Health Care LLC.

6. On or about July 28, 2016, your affiant, along with Special Agents from the Rio Grande Valley Healthcare Fraud Task Force visited Cleveland Health Care LLC to interview the owner, Randy Cleveland and his staff regarding the unlicensed provider. The owner provided employee records of **JUAN MANUEL PEREZ**,

The file also contained a document bearing a license from the Texas Board of Nursing which was presented to Cleveland Health Care LLC by **PEREZ**.

7. From approximately January of 2015 until July of 2016, this employee, **PEREZ**, was employed as a Licensed Vocational Nurse based on the credentials presented to Cleveland Health Care LLC. In this capacity **PEREZ**, conducted patient visits and provided medical services while not licensed to do so. **PEREZ** signed documents using the credential LVN after his signature indicating he was a Licensed Vocational Nurse. These fraudulent forms allowed for billing to Medicare for skilled nursing visits when no skilled nursing was provided.

8. **Juan Manuel Perez Jr. (VICTIM).**

of the Texas Board of Nursing License **VICTIM** was interviewed by FBI Special Agent Cary Johnson on or about August 2, 2016.. **VICTIM** stated he did not know **PEREZ** nor had he granted **PEREZ**, or anyone, permission to use his identity or license. Further, **VICTIM** had never worked in Hidalgo or Cameron Counties.

9. The investigation uncovered that **PEREZ** has repeatedly utilized the stolen credentials to gain employment at several health care institutions including, Harlingen Medical Center, Valley Baptist Medical Center, All About Kids Home Health, and Cleveland Health Care LLC. **PEREZ** is currently employed by Valley Baptist Medical Center and therefore poses an imminent danger of patient harm by continuing to treat patients while unlicensed.

10. Based on the above information, your affiant believes that there is probable cause to believe that Title 18, United States Code, Section 1028A, which makes it a crime to possess or use the identity of another, and Title 18, United States Code, Section 1035, which makes it a crime to make materially false statements in regards to health care matters, have been violated by **JUAN MANUEL PEREZ**.